

Marc Toberoff (CA State Bar No. 188547)
mtoberoff@toberoffandassociates.com
Douglas Fretty (CA State Bar No. 279829)
dfretty@toberoffandassociates.com
TOBEROFF & ASSOCIATES, P.C.
23823 Malibu Road, Suite 50-363
Malibu, CA 90265
Telephone: (310) 246-3333
Facsimile: (310) 246-3101

Attorneys for Plaintiffs Deanna Brown-Thomas, Yamma Brown, Venisha Brown, Michael D. Brown, Nicole C. Brown, Jeanette Mitchell Bellinger, Sarah LaTonya Fegan, Ciara Pettit and Cherquarius Williams

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DEANNA BROWN-THOMAS, an individual, YAMMA BROWN, an individual, VENISHA BROWN, an individual, MICHAEL D. BROWN, an individual, NICOLE C. BROWN, JEANETTE MITCHELL BELLINGER, an individual, SARAH LATONYA FEGAN, an individual, CIARA PETTIT, an individual, and CHERQUARIUS WILLIAMS, an individual,

Plaintiffs.

VS.

TOMMIE RAE HYNIE a.k.a. TOMMIE RAE BROWN, an individual, JAMES BROWN II, an individual, RUSSEL L. BAUKNIGHT, as the Personal Representative of the Estate of James Brown and Trustee of The James Brown "I Feel Good" Trust; DAVID C. SOJOURNER, JR., as the Limited Special Administrator of the Estate of James Brown and Limited Special Trustee of The James Brown "I Feel Good" Trust, and DOES 1 through 10, inclusive,

Defendants.

| Case No.: 2:18-cv-00307 SVW (JPRx)

**NOTICE OF RECENT DECISION
IN ESTATE OF JAMES BROWN**

Assigned to Hon. Stephen V. Wilson

1 Plaintiffs hereby submit the following Notice of Recent Decision in the matter
2 of *In re Estate of James Brown a/k/a James Joseph Brown*,¹ issued by the South
3 Carolina Court of Appeals on July 25, 2018 (the “South Carolina Decision”). A true
4 and correct copy of the South Carolina Decision is submitted herewith as **Exhibit A**.
5 Declaration of Douglas Fretty, Ex. A.

6 In the South Carolina Decision, the Court of Appeals affirms the Aiken
7 County, South Carolina trial court order declaring that the marriage between
8 Tommie Rae Hynie, a.k.a Tommie Rae Brown (“Hynie”) and the late James Brown
9 (“Brown”) was not a bigamous marriage. *See id.*, Ex. A at 2. The Court of Appeals
10 thus affirms the trial court’s ruling that Hynie’s and Brown’s marriage was valid and
11 that Hynie is Brown’s surviving spouse. *Id.* at 10-11.

12 The South Carolina Decision answers an issue that was raised in the pending
13 Motions To Dismiss of Defendants Russell L. Bauknight, David. C. Sojourner, Jr.,
14 and Hynie (Dkt. 21, 23, 28). Plaintiffs’ Complaint assumes, for the purposes of this
15 action, the validity of the South Carolina ruling as to Hynie’s status as Brown’s
16 surviving spouse. Dkt. 1 ¶ 10. However, the Defendants nonetheless asserted that
17 Plaintiffs’ claim lacks “ripeness” because, according to Defendants, the issue of
18 Hynie’s spousal status was being appealed to the South Carolina Court of
19 Appeals. *See* Dkt. 21 at 20; Dkt. 23 at 16; Dkt. 28 at 11. In response, Plaintiffs have
20 asserted that this action does not lack ripeness, based on the Complaint’s claims and
21 allegations that are not dependent on Hynie’s status as Brown’s spouse. *See* Dkt. 56
22 at 21; Dkt. 57 at 16; Dkt. 58 at 8. Notwithstanding that side-dispute, the South
23 Carolina Decision resolves the putative question of ripeness by affirming the trial
24 court’s determination of Hynie’s spousal status.

25 //

26 _____
27 ¹ Full case title: *In re: The Estate of James Brown a/k/a James Joseph Brown, Tommie Rae Brown v. David C. Sojourner, Jr., et al.*, Appellate Case No. 2015-002417 (S.C. Ct. App. July 25, 2018).

Respectfully submitted,

Dated: July 29, 2018

TOBEROFF & ASSOCIATES, P.C.

By: /s/ Marc Toberoff
Marc Toberoff

Attorneys for Plaintiffs